

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 20, 1945

11:00 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilmen Alford, Bartholomew, Gillis and Mayor Miller
Absent: Councilman Wolf

Present also: Guiton Morgan, City Manager; J. E. Motheral, City Engineer;
W. T. Williams, City Attorney; R. D. Thorp, Chief of Police.

DR. HENRY HILGARTNER, representing the Lighthouse for the Blind, appeared before the Council. He stated that he understood a committee from this organization would be present, but was informed that the Chairman of the Committee had called the City Manager asking that the date of the meeting with the Council be changed to an early date in January, 1946.

HAROLD BRAUN, representing the Community Chest, appeared and asked that the property located at 610 Guadalupe street, this city, and acquired by the Community Chest on April 27, 1945, be placed on the tax exempt list of the city property for the reason that this was a charitable organization and no profits were made out of this building. The City Attorney advised the Council that since the property was tax exempt from and after the date of the purchase of the property by the Community Chest, the Tax Assessor and Collector should be so advised and his records changed accordingly.

Mayor Miller entertained a motion to place the property of the Community Chest, located at 610 Guadalupe street, on the tax exempt list of the City Tax Assessor and Collector's office. Councilman Gillis, seconded by Councilman Alford, moved that this be done, and the following vote prevailed:

Ayes: Councilmen Alford, Bartholomew, Gillis and Mayor Miller
Absent: Councilman Wolf
Noes: None

ED CLARK, a member of the City Plan Commission, appeared and stated that it was his understanding that the Commission was to come before the Council on this date. The Mayor stated that the date of the meeting had been changed to January 3, 1946, and that it would probably be held in the afternoon so that there would be sufficient time for discussing all the matters that were to come up. The Mayor also said that he would be glad to have the Plan Commission meet with the Council at least once a month so that a better understanding could be had between the two bodies.

The application of J. E. CRIDER, owner of the CLOVER CAB COMPANY, located at 7th and Red River streets, for a license to operate a taxicab terminal at that address, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of the VARSITY TAXICAB COMPANY by Wm. T. Haneline, owner, for a license to operate a taxicab terminal at 320 South Congress, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of PATTON'S, INC., 116 $\frac{1}{2}$ East 7th street, for the transfer of the 14 taxicab operator's permits issued to LIGHTSEY CAB COMPANY, to said PATTON'S, INC., for the reason that they had purchased these taxicabs from said Lightsey Cab Company, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that this transfer be made. The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

Councilman Gillis moved that the number of taxicab operators be increased from 150 to 160. The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of ISIAH BRYAN BURNS, JR., 215 Congress Avenue, for a license to place a 4-door Mercury Sedan, 1939 model, Motor No. 95258, License FT 4861, in operation as a taxicab, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of CHARLES D. GOWER, 76 $\frac{1}{2}$ East Avenue, for a license to place in operation a 1940 Dodge, Motor #D14-150940, License FR 2791, as a taxicab, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of JESSE E. GRADY, 3706 Wabash, for a license to place a 4-door Hudson sedan, 1939 model, Motor E.-95650, License FR 8073, in operation as a taxicab, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of MARVIN E. HAMILTON, 2900 Conway, for a license to place a 4-door Plymouth Sedan, 1938 model, Motor P6-117199, License FT 4860, in operation as a taxicab, to replace License No. 147, Thurmond P. Garnett, cancelled, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The following applications for taxicab driver's permits, duly approved by the City Manager, were submitted:

Baker, Raye Velton	410 $\frac{1}{2}$ West 34th street
Burns, Jr. Isiah Bryan	1921 Kenwood
Curry, Emery Russell	117 West 5th street
Grady, Henry W.	3706 Wabash
Grady, Jesse E.	3706 Wabash
Graham, Jack Edwin	304 East Live Oak street
Harris, Ivan Lee	913 West 6th street
Ludd, Jr., William Harris	2109 Congress
Johnston, Joseph Ramsey	Macry Courts, Room 2
McMain, Webster Percy	4105 Avenue B.
Peterson, Arthur I.	4007 Avenue D.
Rader, Alva M.	Route 2, Box 24
Slack, James Evan	211 Congress Avenue
Spiars, Myron Foster	1904 East 1st street
Williams, Levi Chester	502 $\frac{1}{2}$ East 2nd street

Councilman Gillis moved that the permits be granted. The motion prevailed by the following vote:

Ayes:: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of the CENTRAL BEER DISTRIBUTORS, Rosaline Gardner, Manager, by A. Rubel, Owner, for a beer distributor's license, the business to be located at 501 East Avenue, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the same be approved and granted, and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of the VARSITY TAXICAB COMPANY, by Wm. T. Haneline, owner, for a permit to operate a taxicab terminal at 320 South Congress Avenue, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted, and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of the ANCHOR STEAK HOUSE, 3709 Lake Austin Boulevard, by Robert H. Brown, owner, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted, and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of the BIG BELL NIGHT CLUB, 1906 East 12th street, by James Medearis, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Gillis moved that the license be granted, and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

The Mayor called up for its third reading, the following ordinance:

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF AUSTIN TO INCLUDE THEREIN THE PROPERTY EMBRACED IN AN ORDINANCE ANNEXING ADDITIONAL TERRITORY WHICH WAS FINALLY PASSED ON OCTOBER 18, 1945, ZONING SUCH TERRITORY, AND DECLARING AN EMERGENCY.

The ordinance was then read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

Thereupon the Mayor announced that the ordinance had been finally passed.

The Mayor stated that the City of Austin is ready and willing to cooperate with the University of Texas and the Veterans who are returning to the University by extending the utilities to the housing units which the University has already obtained from the Government, or may obtain from the Government, free of charge; further, if the Government will allow the housing units which are now located on the nearby army camps to be moved to Austin, the City will be glad to have same placed on City-owned property to be used by the Veterans.

S. P. Tadlock, representing the American Legion, appeared and stated that the Legion appreciates the attitude of the City of Austin toward the returning Veterans and that they endorse such a program, but that the Legion does not want these temporary housing units to remain after the emergency is over. The Mayor assured Mr. Tadlock that the City had no intention of allowing this.

Dr. Everett Givens, representing the Negro Citizens Council, appeared and made several requests for bettering conditions for the negroes of Austin. His requests were referred to the Police Department and the Recreation Departments for their consideration and recommendations.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Gupton Morgan, City Manager of the City of Austin, be, and he is hereby authorized and directed to enter into a contract with EDDIE LEE and his wife, MARTHA LEE, and REUBEN HIGHTOWER to purchase Lot No. 1, Block 18, Outlots 8, 9, 10, 11, 62, Division "B", Grandview Addition to the City of Austin, Texas, for the sum of \$591.00, to be paid in monthly payments of \$15.00 each, on the

first day of each month, beginning on February 1, 1946, with interest on deferred payments at six per cent (6%) per annum; upon receipt of all of which the City of Austin will convey its title to said property to the said Eddie Lee, his wife, Martha Lee, and Reuben Hightower.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS MANDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT OF THAT PROPERTY KNOWN AS THE FRONTAGE ON THE WEST SIDE OF LAMAR BOULEVARD BOUNDED ON THE NORTH BY WEST NINTH STREET; ON THE EAST BY LAMAR BOULEVARD; ON THE SOUTH BY THE FIRST ALLEY NORTH OF WEST 6TH STREET; AND ON THE WEST BY THE EAST LINE OF THE BAYLOR STREET ALLEY AND THE NORTHERLY PROLONGATION OF THE EAST LINE OF THE BAYLOR STREET ALLEY TO WEST 9th STREET, AND BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND ORDERING A CHANGE IN THE USE MAPS, SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

The ordinance was read the second time and Councilman Alford moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

Thereupon the Mayor announced that the ordinance had been finally passed.

The application of SID KELSO for a change in the zoning of the 2300 block of East 1st street so as to permit a package store was referred to the Zoning Board of Adjustment for their consideration and recommendations.

The application of JOE J. DAYWOOD for a change in the zoning of his property located on the east side of the Airport Boulevard, between 45th and 46th streets, from "A" Residence to "C-2" Commercial, was referred to the Zoning Board of Adjustment for their consideration and recommendations.

The following report of the Board of Adjustment, recommending a change in the zoning from "A" Residence to "C" Commercial District, of Lots 17 and 7 in Harmon Terrace No. 2, and the West end of Lot No. 11, Block "U", Ridgetop Addition, was received:

" December 12, 1945
Austin, Texas

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on December 11, 1945:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mrs. Cordelia Assmann Lenthe and W. A. Schumann requesting a change in the Use Designation of the following property:

- a. Lots Nos. 17 and 7 in Harmon Terrace No. 2, as per the attached map; and
- b. The west end of Lot No. 11, Block "U", Ridgetop Addition, to a depth of approximately 138 feet parallel with the east and west line of Lot No. 11, or 125 feet at right angle to the S. P. Railroad,

from an "A" Residence and First Height and Area District to a "C" Commercial and First Height and Area District; and

WHEREAS, the Board of Adjustment at a meeting held on December 11, 1945, carefully considered this application after having had several conferences with Mr. H. H. Lenthe, who represented the applicants, which resulted in the revision of his original application to include the additional property of Mr. W. A. Schumann; and

WHEREAS, the new application is for a change of a sufficient area to constitute a community center which would provide space for all the activities usually carried in a residential community center and would not put in effect a spot zone of one lot; and

WHEREAS, the Board deemed that a community center at this location

would be useful and beneficial to the neighborhood since the nearest other community center is at the intersection of East 51st street and Cameron Road, and Highway No. 29 and the Southern Pacific Llano Branch lie to the west, and since Highway No. 29 and the Railroad separate this area from the area west thereof and a rapid development of this area can be expected in the near future; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the change in the Use Designation of the above property is recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

/s / By H. F. Kuehne, Chairman."

Councilman Gillis moved that a public hearing on the proposed change in zoning of the property recommended in the foregoing report of the Board of Adjustment to "C" Commercial District be called for Thursday, January 10, 1946, at 11 A. M. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

The following report of the Board of Adjustment, recommending a part of the request of A. L. PETERSON, for a change in the zoning of his property located on Alice Avenue and West 40th street, from "A" Residence to "C" Commercial District:

"December 10, 1945,
Austin, Texas

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at meeting on December 4, 1945:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of A. L. PETERSON requesting changes in the Use Designation of the following property:

- a. Lots 1, 2, 3, 4, 5 and 6, in Block 2, being part of Lee's Hill Addition to the City of Austin, F. T. Ramsey Subdivision of the Spear League on the north line of the City of Austin;
- b. The south 112.13 feet facing Alice Avenue, with 109 feet depth on West 40th street, out of Lot A. Louisa Peterson Estate, and
- c. Lots 1, 2 and 3, 90 feet deep of Block 5, M. A. Jarrell Subdivision,

from "A" Residence District to "C" Commercial District; and-

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on December 4, 1945, at which A. L. Peterson appeared and plead for the granting of the application; and

WHEREAS, the above property is all now owned by the applicant and he now operates a grocery store on a portion thereof which has been in existence for the past forty years and this property is located at the intersection of Alice Avenue, Marathon Boulevard and West 40th street, that portion listed under "a" above forms a triangle where Alice Avenue and Marathon Boulevard intersect and is now shown on the zoning maps of Austin to be an "A" Residence and First Height and Area District; and

WHEREAS, the applicant wishes to zone this property for commercial purposes with a view of rebuilding and enlarging his present quarters and to provide additional commercial property for disposition to other commercial establishments; and

WHEREAS, at the hearing the Owner of the property at the southeast corner of the intersection of West 40th street and Marathon Boulevard appeared and protested the extent of the change requested with special reference to the triangle to the north of him listed above as "a" and stated that he had no objections to the other changes provided this one was eliminated; and

WHEREAS, the applicant, Mr. Peterson, after hearing the protest agreed to the elimination of "a" above and withdrew that portion of the application; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the change of the Use Designation of the property listed under "b" and "c" above is recommended to the City Council as this would establish a sufficient community center for the needs of the neighborhood and eliminate an existing non-conforming use to permit the applicant to enlarge and improve his present facilities.

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s /

By H. F. Kuehne, Chairman

Councilman Alford moved that a public hearing on the proposed change in zoning of the property recommended in the foregoing report of the Board of Adjustment to "C" Commercial District be called for Thursday, January 10, 1946, at 11:00 A. M. The motion carried by the following vote:

Ayes:	Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes:	None
Absent:	Councilman Wolf

The following report of the Zoning Board of Adjustment recommending certain corrections and amendements to the Zoning Maps of the City of Austin was received:

November 9, 1945
Austin, Texas

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment begs to submit to the Council the following recommendations concerning certain corrections and amendments to the Zoning Maps of the City of Austin with the request that early and favorable consideration be given them. Three of these recommendations are corrections in discrepancies between the Use District Map and the Height and Area District Map and are intended to correct the maps so as to provide the property coordination of the two with respect to the areas involved. The other two are amendments to the Use District Map and the Height and Area Map.

The growth of the City of Austin during the past five years and the further anticipated growth has created a housing shortage which has become extremely acute. The present zoning districts are inadequate to provide sufficient areas for the development of multiple dwellings in the central sections of the city and University environment. The Board feels that it is desirable to relieve this situation by the following changes in the zoning districts which would result in the provision of a greater number of dwelling units to serve both the University and the business sections of the city, and for which many requests have been received by the Board of Adjustment where developments are now prevented due to the present Height and Area Regulations and Use Designations.

To alleviate to some extent the acute housing demand and to correct the discrepancies in the present Zoning Map the Board recommends:

a. That the present "B" Residential District terminating at East 24th Street, between Red River Street and Oldham Street, be extended to as far as the north boundary line of the University of Texas Campus where Park Place enters Red River Street and be changed to Second Height and Area District.

b. That all the property now shown as a Second Height and Area District bounded on the north by 19th street, on the east by San Jacinto Street, on the south by 11th street, and on the west by the centerline of the blocks between Lavaca and Guadalupe streets, exclusive of the State-owned property, be changed to the Third Height and Area District. This change is recommended to provide a lesser lot area per family for multi-family dwellings and apartments in this area which serves both the University and the State Capitol and the business district. Under the present Height and Area Regulations 1,000 sq. ft. per family are required and under the proposed change 500 sq. ft. per family are required. There is a great demand for efficiency type apartments for single occupants and couples of a smaller area than ordinarily required for the larger family for five members plus four roomers or boarders permitted by the Ordinance.

Under this change a greater number of dwelling units can be provided on a lot with a lesser density of occupancy than under the present regulations where larger apartments for normal families must be developed. While the Third Height and Area District permits a height

of 90 ft. for any building, it is unlikely that this height would be reached because of the size of the lots on record in this area and the Area Regulations of the Ordinance providing for ample side yards, front set-back and rear yards, as well as court areas. The Board feels that the actual developments in the future would not adversely affect the dominance of the State Capitol Building over this area.

c. That the present "A" Residential District in the triangular area bounded on the north by East 11th Street, on the east by Navasota Street, on the south by East 7th Street, and on the west by Lydia Street, be changed to "B" Residence District inasmuch as a large portion of this triangle is now a "C" Commercial District. Much of this property already is non-conforming with respect to residential use and requests have come to the Board for variations to permit more families per lot area than allowed by the Ordinance. This would also serve as a transitional zone between the State Cemetery and the other residential property to the west thereof.

d. That the following area in Walsh Place lying between Scenic Drive on the north and west, Schulle Avenue on the east, and Enfield Road on the south, including the triangle between Enfield Road and Park Street adjacent to the Municipal Golf Course, all of which is now shown to be a Second Height and Area District on the Height and Area Map and a Residence "A" District on the Use District Map, be changed to a First Height and Area District to harmonize with all of the surrounding property and with its use designation, to prevent the over-crowding of this land with congested small residential developments out of harmony with the surrounding property and detrimental to the values of the surrounding neighborhood. This also appears to be an error in the drafting of the Height and Area Map since it is inconsistent to place Residential "A" Property in a Second Height and Area District.

e. That the property on South First Street, between Johanna Street and Fletcher Street, now shown to be a First Height and Area District, be changed to Second Height and Area District to harmonize with the remainder of South First Street, all of which is shown to be a "C" Commercial District from the City limits to a half block beyond Gibson Street. This again appears to be an error in the drafting of the Height and Area District Map.

The Board feels that the adoption of these recommendations by the Council will correct some undesirable inconsistencies in the Zoning Maps and also to a considerable extent provide relief for the acute housing situation which has developed in the city due to its growth and the present limitations of multiple family dwelling districts.

The Board respectfully requests that the City Council give careful consideration to these recommendations and that favorable action be taken thereon immediately.

Respectfully submitted,

/ s /

H. F. Kuehne, Chairman
Board of Adjustment."

P. S. In addition to the above corrections of discrepancies between the Use District maps and the Height and Area District maps the Board begs to recommend the following additional amendments:

f. All the property which was recently changed from "A" Residence District to "B" Residence District in College Court should be changed from the First Height and Area District to Second Height and Area District.

g. All property fronting on East 12th street, between Poquito Street and Walnut Street on the north side and to the Railroad tracks on the south side, now zoned as a Second Height and Area District and "A" Residence District should be changed to a First Height and Area District.

Councilman Gillis moved that a public hearing on the proposed changes in zoning in various sections of the city recommended in the foregoing report of the Board of Adjustment be called for Thursday, January 10, 1946, at 11:00 A. M. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, R. H. FOLMAR is the Contractor for the erection of a building located at 402-04 East 2nd Street and desires a portion of the sidewalk and street space abutting the east 55 feet of Lot 2, Block 15, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said R. H. FOLMAR, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles with the centerline of East 2nd Street to a point 4 feet north of the north curb line; thence in a westerly direction and parallel to the centerline of East 2nd Street approximately 55 feet to a point; thence in a northerly direction and at right angles to the centerline of East 2nd Street to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said R. H. Folmar, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the east, south and west lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(3) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1946.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers of safeguards if the conditions demand it.

(8) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis and Mayor Miller

Noes: None

Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, A. W. THIELEPAPE is the Contractor for the erection of a building at 413 West 6th street and desires a portion of the sidewalk and street space abutting the center 23 feet of Lot 7, Block 52, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said A. W. THIELEPAPE, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 6th Street to a point 4 feet south of the south curb line; thence in an easterly direction and parallel to the centerline of West 6th Street approximately 23 feet to a point; thence in a southerly direction and at right angles to the centerline of West 6th Street to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said A. W. THIELEPAPE, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger.

(2) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(3) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than March 1, 1946.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time

with its public utilities, or for other necessary public purposes.

(9) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Guiton Morgan, City Manager of the City of Austin, be, and he is hereby authorized and directed to enter into a contract with EDDIE LEE, his wife, MARTHA LEE, and REUBEN HIGHTOWER to purchase Lot No. 1, Block 18, Outlots 8, 9, 10, 11, 62, Division "B", Grandview Addition to the City of Austin, Texas, for the sum of \$591.00, to be paid in monthly payments of \$15.00 each, on the first day of each month, beginning on February 1, 1946, with interest on deferred payments at six per cent (6%) per annum; upon receipt of all of which the City of Austin will convey its title to said property to the said Eddie Lee, his wife, Martha Lee, and Reuben Hightower.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

Mayor Miller offered the following ordinance:

AN ORDINANCE VACATING THE
ALLEY THROUGH BLOCK 26,
ORIGINAL CITY OF AUSTIN.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

The ordinance was read the second time and Councilman Gillis moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

Thereupon the Mayor announced that the ordinance had been finally passed.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING
AND VACATING THAT CERTAIN PORTION
OF EAST FORTY-FOURTH STREET, IN THE
CITY OF AUSTIN, LYING BETWEEN CAS-
WELL AVENUE AND RED RIVER STREET AS
SHOWN ON THE PLAT OF IDEAL PLACE, A
SUBDIVISION OF OUTLOT 14, RECORDED
IN BOOK 2, PAGE 225, PLAT RECORDS OF
TRAVIS COUNTY, TEXAS.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to the third reading, and finally passed. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes: None
Absent: Councilman Wolf

Thereupon the Mayor announced that the ordinance had been finally passed.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, upon the map or plat of Travis Heights on file in Plat Book 3, page 15, of the Plat Records of Travis County, Texas, there is shown various streets and alleys, also various lots and blocks, one block being designated as Block 44 and being traversed by an alley 15 feet in width; and

WHEREAS, in August, 1929, the Stacy Realty Company and Fred R. Harris did vacate a portion of said alley and did also dedicate to the public an alley 15 feet in width along the east side of Lot 12, adjacent to Lot 13, of said Block 44, all as shown in an instrument of record in Volume 442, page 193, of the Deed Records of Travis County, Texas; and

WHEREAS, on November 28, 1945, the City Council of the City of Austin vacated and closed the alley abutting Lot 13 and easterly therefrom; and

WHEREAS, the said alley 15 feet in width along the east side of Lot 12

adjacent to Lot 13 is not necessary for public convenience; and

WHEREAS, the owners of Lots 12 and 13, Block 44, of Travis Heights have petitioned the City Council of the City of Austin to vacate said alley; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain alley 15 feet in width along the east side of Lot 12 and adjacent to Lot 13, as referred to above, be, and the same is hereby permanently closed and vacated.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller

Noes: None

Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, H. M. Reese, owner of the property, has applied in writing for permission to convert a residence into a doctor's office and clinic for human beings on Lot 2, Block 120, of the Original City of Austin, Travis County, Texas, the same being the north side of East 10th Street and locally known as 402 East 10th Street; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the conversion and maintenance of a doctor's office and clinic for human beings only be granted to H. M. Reese, owner of the property, with the following conditions:

1. That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller

Noes: None

Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, William P. Chrisman, M. D., has applied in writing for permission to convert a residence into a doctor's office and clinic for human beings on the east 100 feet of Lots 7 and 8, Block 172, of the Original City of Austin, Travis County, Texas, the same being the southwest corner of the intersection of Brazos Street and East 15th Street, and locally known as 109 East 15th Street; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the conversion and maintenance of a doctor's office and clinic for human beings only be granted to William P. Chrisman, M. D., with the following conditions:

1. That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The Mayor stated that the terms of E. H. Perry, J. H. Pittsford, and A. J. Wirtz, members of the Housing Authority of the City of Austin, would expire on December 23, 1945, and that he would entertain a motion for the reappointment of these same gentlemen for a term of two years to expire on December 23, 1947.

Councilman Bartholomew moved that Messers. E. H. Perry, J. H. Pittsford and A. J. Wirtz be reappointed for a term of two years, same expiring on December 23, 1947, as members of the Housing Authority of the City of Austin. The motion was seconded and prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The Mayor then declared Messers. E. H. Perry, J. H. Pittsford and A. J. Wirtz reappointed as members of the Housing Authority of the City of Austin for a term of two years expiring December 23, 1947.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

It appearing to the City Council that the sum of \$209.59 has been assessed against Lot No. 11, of Block No. 4, in Outlot 36, Division "O", Riverside, in the City of Austin, for the years 1919 to 1944, both inclusive, and that \$166.13 has been assessed against improvements on said town lot for said years, and that all of the improvements are gone so that nothing remains except the town lot, and that it is now proper to adjust the valuation of the said lot and improvements so that the taxes may be paid on the said town lot, and that the sum of \$381.97 is a reasonable sum of money chargeable for taxes on said town lot for said years; Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the valuation of said Lot No. 11, of Block No. 4, in Outlot 36, Division "O", Riverside, be, and the same is hereby adjusted so as to omit all improvements therefrom so that the sum of \$381.97 will pay all taxes to the City of Austin thereon for the years 1919 to 1944, both inclusive, and the City Tax Assessor and Collector of the City of Austin, be, and he is hereby directed to make such adjustment and correction on the records of his office and issue redemption receipt covering all such taxes for all said years.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The following resolution was submitted:

(RESOLUTION)

WHEREAS, delinquent taxes, on personal property, have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
Allen Henry	1936, 1938, 1939	\$ 13.97
Homer Green	1941-1942	1.29
Lorene Lane Rogers	1944	6.88
Porfirio Rocha	1939	2.23
Leonard Baker	1942, 1943	26.81
E. M. Everton	1931	6.82
Rev. I. L. Flynn	1934, 37, 40, 43 & 44	7.19
L. D. Fox	1942-1944	8.23
T. C. Johnson	1939	4.48
Warren M. Jones	1943	.97
Blue Bonnet Courts	1944	6.01
L. B. Burnette, Sr.	1926	34.86
Everett Bushell	1936 & 1938	8.74
James F. Criswell	1937-1940, 1942, 1944	22.79
G. R. Fowler	1942-1944	25.49
Letha M. Eager	1936-1944	35.80
R. L. Hays	1944	3.84
Wilton Howard	1928 & 1929	17.76
P. H. Dougherty	1940-1942	22.85
J. Donald Hill	1941	5.98

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Upon motion by Councilman Gillis, duly seconded, the resolution was adopted by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes: None
 Absent: Councilman Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:35 P. M., subject to the call of the Mayor

APPROVED:

Tom Miller
 Mayor

ATTEST:

_____, Deputy City Clerk